

## REMARKS/ARGUMENTS

The Applicants note with appreciation that in an Office Action dated July 26, 2004, the Examiner indicated the allowability of claims 1-4. The Examiner also objected to claim 1, to the title, and to the abstract as well as requesting a drawing that corresponds to the claims. In response, the Applicants have amended claim 1, proposed a new title and abstract, and submitted a Figure 9 in accordance with the claims. A description of Figure 9 is also being inserted into the specification.

Regarding the Examiner's statement that prosecution on the merits is closed under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213, 25 U.S.P.Q. 74 (Comm'r Pat. 1935), the Applicants respectfully submit that the Examiner is mistaken. If the Examiner disagrees, the Applicants nonetheless humbly request as a matter of fairness that the Examiner allow the Applicants the opportunity to submit the handful of dependent claims submitted with this response. Under the facts of *Ex parte Quayle*, and under MPEP § 714.14, all of the claims in a case must be allowed before prosecution can be closed under *Ex parte Quayle*. Because there is an objection to claim 1, preventing it from being allowed (despite the presence of allowable subject matter), technically not all of the claims have been allowed. In addition, the Applicants point out that even the Applicant of *Ex parte Quayle* was allowed to submit a first set of new claims prior to the Examiner refusing to enter his second set of new claims because only technical issues remained in the case.<sup>1</sup> The Applicants humbly request that the few new dependent claims submitted herewith be entered.

Regarding new Figure 9, the Applicant has submitted a hand-drawn Figure 9 to ensure that it overcomes the Examiner's objection. Upon receiving a Notice of Allowance, formal drawings will be submitted.

### New claims 5-10 Find Support in the Specification

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<sup>1</sup> In *Ex parte Quayle*, the Applicant received an opportunity to amend his claims and add new claims. However, the Applicant did not respond to an objection to the drawings contained in the initial office action. Only when the Examiner renewed his objection to the drawings in a second office action, and the Applicant then attempted to add yet more claims, did the Examiner refuse to enter the additional claims. A copy of the opinion is submitted herewith for the Examiner's convenience.

New claims 5-10, each dependent from claim 1, are being added. Each of the new dependent claims finds support in the specification.

Claim 5 recites measuring the difference between a first data point and one of the remainder of the data points. Claim 6 recites measuring the difference between data points, with the magnitude of the difference being stored along with an upshift or downshift to indicate direction. Support for these claims may be found at paragraphs [0055] and [0056]. Claim 7 recites storing the compressed data determined by the comparing step of claim 1, which finds support at paragraphs [0061] and [0062]. Claim 8 recites the comparing step being executed by a microprocessor, which finds support at paragraphs [0059]. Claim 9 recites that the waveform is an acoustic waveform and is located downhole. Claim 9 finds support at paragraphs [0053] and [0062]. Claim 10 states that the compressed data is also compared to the uncompressed data to determine which would require the least memory for storage. Claim 10 finds support in the last sentence of paragraph [0059].

It is believed that all the claims are in condition for allowance.

Respectfully submitted,



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**Amendments to the Drawings:**

Please find attached a new Figure 9.